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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/805,610	03/13/2001	John J. Coogan JR.	T3I-001	T3I-001 9302	
21832	7590 07/14/2003				
CUMMINGS AND LOCKWOOD			EXAMINER		
GRANITE SQ	•	WEBER, JON P			
700 STATE S			WEBER	, 30141	
P O BOX 1960			ART UNIT	PAPER NUMBER	
NEW HAVEN	I, CT 06509-1960				
			1651		
			DATE MAILED: 07/14/2003		
•			Ditt MineLD. 07/14/2003	\sim	

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

	Apı	olication No.	Applicant(s)				
	09/	/805,610	COOGAN ET AL.				
Office Action Summa	ry Exa	miner	Art Unit				
• • • • • • • • • • • • • • • • • • • •	Jon	P Weber, Ph.D.	1651				
·			with the correspondence address	;			
Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status							
1) Responsive to communication	ı(s) filed on	•					
2a) This action is FINAL	2b)⊠ This act	ion is non-final.					
3) Since this application is in conclosed in accordance with the Disposition of Claims			atters, prosecution as to the me C.D. 11, 453 O.G. 213.	rits is			
4) Claim(s) 1-32 is/are pending in	the application.						
4a) Of the above claim(s)	_ is/are withdrawn fro	om consideration.	•				
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.				_			
7) Claim(s) is/are objected	to.			_			
7) Claim(s) is/are objected to. 8) Claim(s) 1-32 are subject to restriction and/or election requirement.							
Application Papers							
9)☐ The specification is objected to by the Examiner.							
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120							
Priority under 35 U.S.C. §§ 119 and 120)			<u> </u>			
13) Acknowledgment is made of a	claim for foreign prior	rity under 35 U.S.C	. § 119(a)-(d) or (f).				
a)☐ All b)☐ Some * c)☐ None	of:						
1. Certified copies of the pri	iority documents hav	e been received.					
2. Certified copies of the pri	iority documents have	e been received in	Application No				
 3. Copies of the certified co application from the I * See the attached detailed Office 	nternational Bureau	(PCT Rule 17.2(a))		€			
14) ☐ Acknowledgment is made of a cla	aim for domestic prio	rity under 35 U.S.C	C. § 119(e) (to a provisional appli	ication).			
a) ☐ The translation of the foreig 15)☐ Acknowledgment is made of a cl		* *					
Attachment(s)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Rev 3) Information Disclosure Statement(s) (PTO-14)			w Summary (PTO-413) Paper No(s) of Informal Patent Application (PTO-152)				
J.S. Patent and Trademark Office PTO-326 (Rev. 04-01)	Office Action St	ummary	Part of Paper No. 6				

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Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 and 16-21, drawn to a system for treating samples with non-laser (excimer) monochromatic light, classified in class 422, subclass 24.
- II. Claims 10-15, drawn to a non-laser (excimer) light source, classified in class 313, subclass 35.
- III. Claims 22-32, drawn to a method for treating samples with non-laser (excimer) monochromatic light so as to destroy nucleic acid in microorganisms, classified in class 435, subclass 173.1 and 173.2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a laser could be used instead of the excimer lamp. The subcombination has separate utility such as any excimer lamp apparatus (see US 5,838,108 or US 5,767,626).

Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus could be used to generate and transmit monochromatic light into a chemical reaction.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon P Weber, Ph.D. whose telephone number is 703-308-4015. The examiner can normally be reached on daily, off 1st Fri, 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Wityshyn can be reached on 703-308-4743. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 70,7398-0196.

Jon P Weber, Ph.D. Primary Examiner

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JPW July 11, 2003